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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/812,417
Filing Date: March 19, 2001
Appellant(s): BURNHOUSE ET AL.

MAILED

MAR 28 2006

Technology Center 2100

THINH V. NGUYEN
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/17/06 appealing from the Office action mailed 09/29/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,822,123

LAWLER

12-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler et al. (US Patent No. 5,585,838).

The Lawler '123 PROGRAM TIME GUIDE patent teaches the limitations recited in claim 1, Lawler discloses a method for indicating future program action on a future program information display comprising: providing future program information for a plurality of future programs [the program schedule information at the head end covers at time period extending about one week into the past and two weeks into the future; see col. 13, lines 1-3], at least one future program being selected by a user [...see block 236, at figure 5A, and col. 14, lines 23-24]; providing on a future program actions menu [136, at figure 8, block 238, at figure 5A, and column 14, lines 23-26]; a plurality of future program actions for the selected future program [such as Order button 138, Remind button 140, Record button 130, at figure 8, and column 14, lines 30-35], at least one future program action being selected by the user [see col. 14, lines 26-29]; each future program action being an action selected to be performed on a future program [see col. 14, lines 35-48]; receiving the selected at least one future program and the selected at least one future program action from the user [see block 240, at figure 5A, and col. 14, lines 26-29]; and displaying the future program information of the selected at least one future program

with an indicator such that the indicator indicates the selected at least one future program action [see program summary panel 108, at figure 8] with an indicator indicates the selected at least on future program action [with icon that “indicate certain characteristics set by the user” at column 10, lines 34-41].

Regarding claims 2, 10, 18 and 24 Lawler discloses wherein the indicator is an action-descriptive icon [see col. 18, lines 53-67].

Regarding claims 3, 11, 19 and 25 Lawler discloses wherein the future program actions menu comprises features selected from the group consisting of a return feature, allowing user to navigate back to preference menu [the navigation key is pressed, program schedule information from the head end to update the program summary panel; see col. 15, lines 4-14], and a help feature, allowing user to navigate to several dependent help categories, the features being able to be selected by a user [the display panel to help user when viewing program schedule; see col.10, lines 5-15).

Regarding claims 4 and 12, Lawler wherein the selected at least one future program is indicated by highlighting [see focus frame 102, at figure 8, and column 14, lines 23-24].

Regarding claims 5 and 13, Lawler discloses wherein the future program actions menu is displayed in a pop up window on the monitor display screen [a preview window 108, see col. 10, lines 28-29 and figures 3 and 8].

Regarding claims 6, 14, 20 and 26 Lawler discloses wherein the selected at least one future program action includes actions selected from the group consisting of recording the

selected at least one future program, notifying the user of the display schedule of the selected at least one future program, and preventing the display of the selected at least one future program [see col. 10, lines 35-41].

Regarding claims 7, 15, 21 and 27 Lawler wherein the start and/or stop times of the selected at least one future program action does not match the start and/or stop times of the selected at least one future program (see col. 13, lines 25-37).

Regarding claim 8, 16, 22 and 28 Lawler discloses wherein the future program actions menu includes a source option such the selected future program action will affect all future programs from a user-specified source (see col. 14, lines 58-67).

(10) Response to Argument

At page 6, of the brief, appellant attempts to distinguish “displaying the future program information of the selected at least one future program with an indicator such that the indicator indicates the selected at least one future program action with an indicator indicates the selected at least one future program action” from Lawler’s “program summary panel may include a preview window, the full title of program, a description of the program, and may also contain one or more icon”, arguing that Lawler fails to anticipate “a focus frame to identify a selected program title, not an indicator to indicate the selected future program action.” However, what is actually recited in independent claims 1, 9, 17 and 23 is providing a plurality of future program actions, each future program action being an action selected to be performed on a future program; receiving the selected at least one future program and the selected at least one future

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program action from the user; and displaying the future program information of the selected at least one future program with an indicator such that the indicator indicates the selected at least one future program action with an indicator indicates the selected at least one future program action. This is anticipated as shown by the reference to Lawler, which states that “user specific icons may be provided to indicate certain characteristics set by the user. An icon can be provided to indicate whether the user has set a reminder for the indicated program or whether the user has requested recording of the indicated program. In alternative embodiments, it may be desirable to display icons for all shows within the program files rather than within the program summary panel. The focus frame can also be used to scroll the program grid to reveal new program schedule information. The interactive station controller also scrolls the time panel when a new column is revealed and the channel panels when a new row is revealed so that the time panel and channel panels correspond to the information displayed in the program grid, as recited in col. 10, lines 27-41. However, the future program information includes user specific icons that indicate the action will be taken in regard to the future program and to enhance a user friendly interface.

At page 7, of the brief, Appellant argues that in Lawler neither “The focus frame 102 identifies a selected program title within the program grid. The focus frame 102 identifies a selected program title by drawing a conspicuous border around the title. In contrast, the indicator in the claimed invention is used to indicate a specified action. An action is not merely a selected program title. Similarly, the program summary panel 108 is not an indicator. It merely includes a preview window 110, the full title of the program 112, a description of the program 114, or other characteristics of the program”; however, the limitations as claimed are

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clearly anticipated as by the prior art that “Preferably the program identified by the focus frame 102 is the subject of the program summary panel 108. As the focus frame 102 is moved, the program summary panel 108 is updated to provide additional information about the newly identified program. The summary panel 108 may include a preview window 110, the full title of the program 112, a description of the program 114, and may also contain one or more informational icons (not shown) which indicate characteristics of the program such as whether the program is closed captioned, whether the program is a rerun and whether the program is in stereo. In addition, user specific icons may be provided to indicate certain characteristics set by the user. For example, an icon can be provided to indicate whether the user has set a reminder for the indicated program or whether the user has requested recording of the indicated program. It may be desirable to display icons for all shows within the program files 88 rather than within the program summary panel 108” as recited in col. 10, lines 17-55. This teaching, while not explicitly reciting the word “indicator”, as pointed out by appellants, clearly teach an icon function can be provided to indicate whether a user has set a program for the indicated future program.

At page 8, of the brief, Appellant argues that Lawler does not teach or suggest “wherein the future program actions menu comprises features selected from the group consisting of a return feature, allowing user to navigate back to preference menu; and a help feature, allowing user to navigate to several dependent help categories, the features being able to be selected by a user”. The examiner respectfully disagrees. As shown in figure 8, Lawler teaches the navigation key is pressed, program schedule information from the head end to update the program summary

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panel; and the display panel to help user when viewing program schedule as recited in col.10, lines 5-15 and col. 15, lines 4-14.

At page 8, of the brief, Appellant argues that Lawler does not teach or suggest “wherein the selected at least one future program is indicated by highlighting”. The examiner respectfully disagrees. As shown in figures 11 and 12, Lawler teaches the display color code to indicate which programs are currently available. For example the program tiles for currently available program might be white and past and futures programs might be shaded; as recited in col. 3, lines 56-62. Therefore, Lawler teaches a future program is indicated by highlighting. In view of the above, the examiner respectfully asserts that Lawler teaches future program is indicated by shaded.

At page 8, of the brief, Appellant argues that Lawler does not teach or suggest “wherein the future program actions menu is displayed in a pop up window on the monitor display screen”. The examiner respectfully disagrees. As shown in figure 8, Lawler teaches the program summary panel may include a preview window, the full title of the program, a description of the program, contains a video preview of the selected program. Therefore, Lawler teaches the future program actions menu is displayed in a pop up window. In view of the above, the examiner respectfully asserts that Lawler teaches the future program actions menu is displayed a preview window on a display panel.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

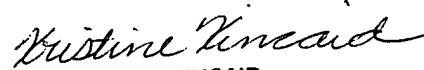
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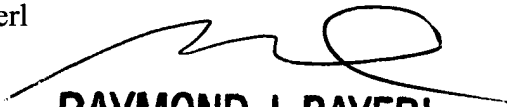
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